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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Davidson Media Station WLLV Licensee, LLC	)	File No.: EB-10-CG-0409
Licensee of Radio Station WLLV	)	EB-10-CG-0410
Facility ID # 01125	)	
Louisville, Kentucky	)	
	)	
Davidson Media Station WLOU Licensee, LLC	)	NOV No.: V201132320005
Licensee of Radio Station WLOU	)	
Facility ID # 31883	)	
Louisville, Kentucky	)	

**NOTICE OF VIOLATION**

**Released: December 23, 2010**

By the District Director, Chicago Office, Northwest Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules<sup>1</sup> to Davidson Media Station WLLV Licensee, LLC and Davidson Media Station WLOU Licensee, LLC (collectively "Davidson Media Station"), licensee of Stations WLLV and WLOU, respectively, in Louisville, Kentucky. This Notice may be combined with a further action, if further action is warranted.<sup>2</sup>

2. On August 17, 2010, an agent of the Commission's Chicago Office inspected co-located and co-owned Stations WLLV and WLOU in Louisville, Kentucky, and observed the following violation:

47 C.F.R. § 11.61(b): "Entries shall be made in EAS Participants records, as specified in §§11.35(a) and 11.54(b)(13)." At the time of the inspection, there were no entries in the station log documenting (1) that the required weekly tests were received and conducted for the weeks of May 30, 2010 through June 20, 2010 and (2) that the monthly tests were received and retransmitted during the months of May and June. There were no entries in the logs indicating why the required monthly and weekly tests were not conducted.

3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. Pursuant to Section 403 of the Communications Act

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<sup>1</sup>47 C.F.R. § 1.89.

<sup>2</sup>47 C.F.R. § 1.89(a).

of 1934, as amended,<sup>3</sup> and Section 1.89 of the Commission's Rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, Davidson Media Station must submit a written statement concerning this matter within twenty (20) days of release of this Notice.<sup>4</sup> The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>5</sup>

4. In accordance with Section 1.16 of the Commission's Rules, we direct Davidson Media Station to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Davidson Media Station with personal knowledge of the representations provided in Davidson Media Station's response, verifying the truth and accuracy of the information therein,<sup>6</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>7</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Chicago Office  
1550 North Northwest Highway, Room 306  
Park Ridge, IL 60068

6. This Notice shall be sent to Davidson Media Station WLLV Licensee, LLC and Davidson Media Station WLOU Licensee, LLC at 2001 W. Broadway Street, Louisville, Kentucky 40203.

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<sup>3</sup>47 U.S.C. § 403.

<sup>4</sup>Davidson Media Station WLLV Licensee, LLC, and Davidson Media Station WLOU Licensee, LLC, are each required to submit a statement in response to this Notice.

<sup>5</sup>47 C.F.R. § 1.89(c).

<sup>6</sup>Section 1.16 of the Commission's Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

<sup>7</sup>18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974<sup>8</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>9</sup>

FEDERAL COMMUNICATIONS COMMISSION

James M. Roop  
District Director  
Chicago District Office  
Northeast Region  
Enforcement Bureau

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<sup>8</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>9</sup>18 U.S.C. § 1001 *et seq.*